

OAKLEY 929C2

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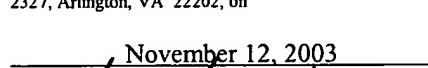
1-3420 2004  
TECHNOLOGY CENTER 2800  
SET 12 P. 12014054

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

PATENT

Applicant : James H. Jannard ) Group Art Unit: 2873  
Appl. No. : 09/711,433 )  
Filed : November 13, 2000 )  
For : CONTOURED METAL  
EYEGLASS FRAMES )  
Examiner : Huy Mai )

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: United States Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202, on

November 12, 2003  
\_\_\_\_\_  
Date  
  
Gerard von Hoffmann, Reg. No. 33,043

REQUEST TO WITHDRAW THE HOLDING OF ABANDONMENT  
UNDER 37 C.F.R § 1.181

United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

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## **OFFICE OF PETITIONS**

Dear Sir:

TECHNOLOGY CENTER 2800  
SPECIAL PROGRAM CENTER

Applicant hereby requests withdrawal of the holding of abandonment in the Notice of Abandonment mailed on November 12, 2002.

- (X) The Patent and Trademark Office mailed an Office Action in the above-identified application on March 27, 2002. A Response to the Office Action was mailed on June 12, 2002. A return postcard was stamped by the Patent and Trademark Office on June 17, 2002. A Notice of Abandonment was mailed on November 12, 2002 for Applicant's failure to timely file a proper reply to the Office Action mailed on 27 March 2002.

(X) A copy of the Response to Office Action mailed on June 12, 2002 is enclosed. Consideration and entry of this submission is respectfully requested.

(X) A copy of the return postcard date stamped June 17, 2002 is also enclosed.

(X) Applicant respectfully requests the withdrawal of the holding of abandonment on the above-identified application.

11/19/2003 AWONDAF1 00000122 09711433

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**130.00 OP**

-1-

Appl. No. : 09/711,433  
Filed : November 13, 2000

- (X) The \$130 fee set forth in 37 C.F.R. § 1.17(h) accompanies this request.
- (X) Please charge any additional fees or credit any overpayment to our Deposit Account No. 11-1410.
- (X) Return prepaid postcard.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11/12/03

By: Gerard von Hoffmann  
Gerard von Hoffmann  
Registration No. 33,043  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

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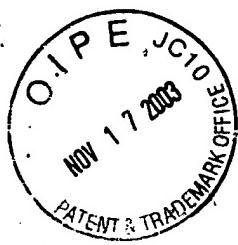
**CONFIDENTIAL INFORMATION**

**Line 1-2-3-4**

**Line 5-6-7**

**CONFIDENTIAL INFORMATION**





# COPY

**PATENT**

Case Docket No. OAKLY.929C2

Date: June 12, 2002

Page 1

In re application of : James H. Jannard  
App. No. : 09/771,433  
Filed : November 13, 2000  
For : CONTOURED METAL  
EYEGLASS FRAMES  
Examiner : Huy Kim Mai  
Art Unit : 2873

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Trademark Office, P.O. Box 2327, Arlington, VA 22202, on

June 12, 2002

(Date)

  
Vito A. Canuso III, Reg. No. 35,471

UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 2327  
Arlington, VA 22202

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Sir:

Transmitted herewith is an amendment in the above-identified application.

**OFFICE OF PETITIONS**

The fee has been calculated as shown below:

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**CLAIMS AS FILED**

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|                    | <b>CLAIMS<br/>REMAINING<br/>AFTER<br/>AMENDMENT</b> | <b>HIGHEST NO.<br/>PREVIOUSLY<br/>PAID FOR</b> | <b>PRESENT<br/>EXTRA</b> | <b>RATE</b> | <b>ADDITIONAL<br/>FEE</b> |
|--------------------|---|--|--------------------------|-------------|---------------------------|
| Total Claims       | 7   | —  | 33                       | = 0 × \$18  | = \$0                     |
| Independent Claims | 1   | —  | 3                        | = 0 × \$84  | = \$0                     |

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**TOTAL ADDITIONAL FEE  
FOR THIS AMENDMENT \$0**

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- (X) Amendment.  
(X) Return prepaid postcard.  
(X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.



Vito A. Canuso III  
Registration No. 35,471  
Attorney of Record



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OAKLY.929C2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James H. Jannard

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Appl. No. : 09/771,433

June 12, 2002

Filed : November 13, 2000

(Date)

For : CONTOURED METAL  
EYEGLASS FRAMES

Vito A. Canuso III, Reg. No. 35,471

Examiner : H. MAI

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United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

Applicant hereby responds to the Office Action mailed March 27, 2002. Claims 1 through 33 are pending in the present Application.

IN THE CLAIMS:

Please cancel Claims 1-26.

REMARKS

In the Office Action of March 27<sup>th</sup>, the Examiner rejected Claims 1-26 under the judicially created doctrine of obviousness-type double patenting, relying upon U.S. Patent Nos. 6,056,399 and 5,708,489. The Examiner allowed Claims 27-33. Because Claims 27-33 are not subject to the double patenting rejection, Applicant has canceled Claims 1-26 in the present application and will file a continuation application so that an appropriate terminal disclaimer can be filed with respect to those same Claims 1-26. For that reason, Applicant respectfully requests that the Examiner pass

**Serial No :** 09/771,433  
**Filed :** November 13, 2000

this application on to issuance and that Claims 27-33 may issue. If there is any issue that may be resolved by telephone, the Examiner is respectfully requested to call the undersigned at (949) 760-0404 to discuss such issue.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR

Date: June 12, 2002

By: 

Vito A. Canuso III  
Registration No. 35,471  
Attorney of Record  
620 Newport Center Drive  
Sixteenth Floor  
Newport Beach, CA 92660  
(619) 235-8550

VAC-3227